



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

May 27, 2016

Englishe Miller
M & M Furever Furbabies
P. O. Box 381
Vass, NC 28394

Notice of Warning
Re: Violation of Title N. C. General Statute § 19A-26

AWS-WL-2016-15

Animal Shelter: M & M Furbabies

Dear Ms. Miller:

The Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") opened an investigation into M & M Furever Furbabies ("the shelter"). AWS Inspector Elizabeth Garner met with you on March 31, 2016 to discuss the operation of the shelter and the requirement for registration. You requested to meet on April 7, 2016 in order to view the facility and its records. On the day the meeting was scheduled, you called and cancelled. Since that time you have failed to respond to repeated requests by Inspector Garner to reschedule. Your actions are viewed by AWS as a failure to cooperate with the investigation and the request to register the shelter.

Therefore AWS finds that M & M Furever Furbabies is operating as an animal shelter without a certificate of registration. Pursuant to N. C. General Statute §19-26, no person shall operate an animal shelter without a certification of registration.

If the shelter believes the facility can meet the requirements for compliance with the N. C. AWA and the rules and regulations issued pursuant thereto, the shelter may submit an application for a certificate of registration as an animal shelter within 10 days of receipt of this letter. The application can be found on

the AWS website at <http://www.ncagr.gov/vet/aws/documents/SCANNEDApplicationFormShelters2016.pdf>

Until such time that this facility has a valid AWS certificate of registration as an animal shelter, M & M Furever Furbabies is directed to immediately cease operations as an animal shelter. Failure to abide by this directive shall be considered to be a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under N. C. General Statute §19A-40, violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal line extending to the right.

Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

cc:

Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS
Joseph Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)